

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARCUS ANTONIO SATTERFIELD,)
)
 Petitioner,)
)
 v.) 1:22-cv-1037
)
EDDIE M. BUFFALOE, JR.,)
)
 Respondent.)

ORDER

On December 8, 2022, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 2, 3.) No objections were filed within the time prescribed by Section 636. Although Plaintiff filed a pro se letter requesting the appointment of counsel, (Doc. 4), that letter raises no objections to the Recommendation.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted. In light of this order adopting the Recommendation and dismissing this action without prejudice, Plaintiff's letter requesting the appointment of counsel will be denied as moot.

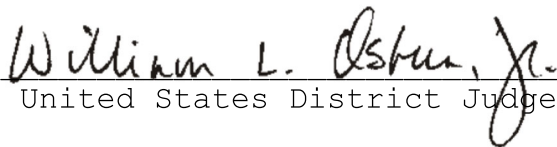
IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED. IT IS FURTHER ORDERED** that this action is construed as a habeas petition under 28 U.S.C. §

2254, (Doc. 1), and is hereby **DISMISSED WITHOUT PREJUDICE** to Petitioner filing a new petition, correcting the defects set out in the Order and Recommendation. The new petition must be accompanied by either the \$5.00 filing fee, or a current application to proceed in forma pauperis.

IT IS FURTHER ORDERED that Plaintiff's letter requesting the appointment of counsel, (Doc. 4), is **DENIED AS MOOT**.

A Judgment dismissing this action will be filed contemporaneously herewith.

This the 7th day of June, 2023.


United States District Judge